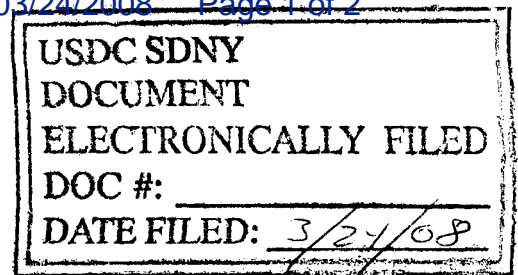




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OFFICE OF THE ATTORNEY GENERAL



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**MEMO ENDORSED**

March 7, 2008

**By Hand**

Honorable William H. Pauley  
United States District Judge  
Southern District of New York  
500 Pearl Street  
Room 2210  
New York, New York 10007

*Application granted*  
**SO ORDERED:**

*William H. Pauley*  
WILLIAM H. PAULEY III U.S.D.J.

Re: Federal Express Corp. v. Brockington et al. (07 CV 4775)(WHP)

Your Honor:

*3/14/08*  
*The status report is due*  
*April 30, 2008*

This Office is counsel for defendants Kumicki Gibson, Margaret Gormley-King, Caroline Downey, sued individually and in their capacities as officials in New York State's Division of Human Rights and for the New York State Division of Human Rights (collectively, the "State defendants"). This action seeks a declaration that a civil rights matter commenced administratively in the New York State Division of Human Rights ("DHR") by defendant Isaac L. Brockington against plaintiff Federal Express is preempted by the Employee Retirement Income Security Act ("ERISA"), and an injunction against those DHR proceedings.

On August 17, this Court entered an order directing that the parties "report whether they have resolved the ERISA preemption issue by September 7, 2007." The Court then extended that date at the joint requests of the State defendants and plaintiff to February 29, 2008. We write now, on behalf of the State defendants and plaintiff jointly, to report on the status of the settlement.

Specifically, since the last status letter, I have not yet received a new draft of the settlement stipulation from plaintiff's counsel. In the meantime, the administrative hearing in this matter has been going forward with the final hearings occurring on January 30-31, 2008. The parties are now preparing findings of fact based on those hearings, and awaiting the ALJ's decision.

In light of the status of the administrative hearing, the parties therefore respectfully request that the Court set the new date for a status report as April 31, 2008.

Hon. William J. Pauley - March 7, 2008 - Re: Fed. Ex. v. Brockington - Page 2

Thank you for your assistance with this matter.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'E. Forman', with a long horizontal flourish extending to the right.

Elizabeth A. Forman  
Assistant Attorney General

cc: Ian Harris, Esq. (by fax)  
Colby S. Morgan, Esq. (by fax)  
Mr. Isaac L. Brockington (by mail)